

REMARKS

In response to the Final Office Action mailed May 14, 2008, Claims 1, 8-12, and 19-26 have been amended, and Claims 27 and 28 have been added. Therefore, Claims 1-4, 7-15, and 18-28 are pending. The Applicants respectfully assert that no new matter has been added by the present amendments. The Applicants also respectfully assert that as a result of these amendments, as well as the remarks below, all of the pending claims are now in condition for allowance.

The Applicants wish to thank the Examiner for participating in a telephonic interview on August 13, 2008 at 3:30 p.m. with the Applicant's representative, William Cook, discussing the rejections under 35 U.S.C. § 103(a) and potential corrections as well as discussing the distinctions between the independent claims and the cited art.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-4, 7-15, and 18-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0019605 to Keown et al. (hereinafter "*Keown*"), in view of U.S. Publication No. 2005/0010523 to Myklebust et al. (hereinafter "*Myklebust*"), in view of U.S. Patent No. 6,647,376 to Farrar et al. (hereinafter "*Farrar*"), and further in view of U.S. Publication No. 2004/0230526 to Praisner et al. (hereinafter, "*Praisner*").

The Applicants respectfully contend that under 35 U.S.C. § 103(c) a rejection based on *Keown* in combination with other references is improper. 35 U.S.C. § 103(c)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Applicants' pending patent application and *Keown* are assigned to CheckFree Corporation of Norcross, Georgia, and the inventors of both applications had assigned or were under an obligation of assignment to CheckFree Corporation at the time the claimed invention was made.

The Applicants' patent application was filed August 1, 2003, and the *Keown* reference was not published until January 29, 2004. As a result, *Keown* qualifies as prior art under 35 U.S.C. § 102(e). As a result, the Applicants respectfully assert that according to 35 U.S.C. § 103(c) it is improper to use *Keown* in combination with other references as the basis for a rejection under 35 U.S.C. § 103. Therefore, the rejections of Claims 1-4, 7-15, and 18-26 specified in the Office Action under 35 U.S.C. § 103(a) are now moot.

Even assuming the 35 U.S.C. § 103(a) combination was acceptable, the Applicants respectfully contend that amended independent Claim 1 is patentable over the combination of *Keown*, *Myklebust*, *Farrar* and/or *Praisner*. More particularly, none of the cited references, alone or in combination, teach, suggest or motivate:

determining, at a service provider processor, a plurality of debit options, wherein each debit option of the plurality of debit options is applicable for debiting the payor account, wherein each debit option is associated with at least one processing factor value, wherein the at least one processing factor value includes a risk factor value, speed factor value, or a cost factor value;

evaluating, at a service provider processor, the at least one processing factor value for each debit option;

automatically selecting, at a service provider processor, one of the plurality of debit options based, at least in part, on the evaluation of the at least one processing factor value for each debit option

Examples of debit options and processing factor values such as risk factor values, speed factor values, and cost factor values, are described throughout the specification of Applicants' pending application (see e.g., paragraphs 0045-0048, 0150-0151, Figs. 6A and 6B, etc.).

The Applicants respectfully assert that none of the cited references of *Keown*, *Farrar*, *Praisner*, and *Myklebust* teach, suggest, or motivate the claim elements of amended independent Claim 1. Specifically, nowhere in the combination of cited references does it teach, suggest, or motivate evaluating risk, speed, or cost values associated with several options of debiting the same funding account and selecting a particular option for debiting that account based on that evaluation. For at least these reasons, the Applicants respectfully assert that amended

independent Claim 1 is allowable. With respect to the Examiner's rejection of independent Claim 12, the Applicants have hereby amended independent Claim 12 in a manner similar to independent Claim 1, as described above. Therefore, the Applicants respectfully state that Claim 12 is allowable for at least the same reasons as stated with regard to amended independent Claim 1.

Furthermore, the Applicants state that dependent Claims 2-4, 7-11 and 13-14, and 18-28 are allowable as a matter of law, depending from an allowable claim, notwithstanding their independent recitation of patentable features. For instance, the claim elements of dependent Claims 24 and 26 of "evaluating the at least one processing factor value for each debit option based on stored preference data" are not taught, suggested, or motivated by any of the cited references or any combination thereof. Furthermore, the claim elements of dependent Claims 27 and 28 of "evaluating the plurality of processing factor values for each debit option, and wherein the selection of one of the plurality of debit options is based, at least in part, on the evaluation of the plurality of processing factor values for each debit option" are not taught, suggested, or motivated by any of the cited references or any combination thereof

If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853.8253.

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CONCLUSION

The Applicants believe they have responded to each matter raised by the Office Action. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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